

REMARKSStatus of Claims

Claims 1 to 22 are pending. Claims 1, 11, and 19 are the independent claims.

Reconsideration and further examination are respectfully requested.

Rejections of Claims 1-22 under 35 USC 112 First and Second Paragraphs

35 USC 112, First Paragraph

Applicant takes issue with Examiner's conclusion that one skilled in the art would not understand the claimed element, "sending the applet to an application at the file transfer gateway" because one skilled in the art would not understand from the description in the specification that Applicant invented transferring an applet from a browser to a file transfer gateway. Applicant submits that this step is not the invention but an element in a combination of elements which make up the invention.

The functions of a browser with respect to Web pages is extensively known to those skilled in the art. Web browser have been functioning with respect to the Internet or Web for almost 20 years. Web pages with embedded applets and the processing of such Web page applets is widely known and understood by those skilled in the art. The description on page 14, lines 7-19 with

respect to Fig.1 would clearly be understandable to one skilled in the art with respect to a conventional browser function which would send an applet received in a Web page to a destination such as a file transfer gateway. The specification, at page 15, lines 9-18 with respect to Fig. 1 describes the transfer of the applet from the Web browser 6 to the file transfer gateway 7. The applet includes the information that permits the file transfer gate to access server 4 so as to initiate the transfer operation. It should be noted that gateways are well known and understood to those skilled in the art as devices for interconnecting networks, e.g. client desktop 2 with server 4. Accordingly, it is submitted that this description of "sending the applet to an application at the file transfer gateway" in the specification is fully compliant with the provisions of 35 USC 112, first paragraph.

35 USC 112, second Paragraph

Applicant submits that the claims are not indefinite. The claims do distinctly claim the subject matter which Applicant regards as the invention in that it is clear which server is being referred to. That server is server 4 in Fig. 1 which is described at page 14, lines 2-5 of the specification, and the transfer from that server is described with respect to Fig. 1, from page 15, line 20 through page 16, line 20. The claims have been amended to make this more clear.

The Rejection of Claims 1-2, 4-12, and 14-22 under 35 U.S.C. 103(a) over Rutherglen et al. in view of Applicant's Admitted Prior Art (AAPA) is Respectfully Traversed

Examiner concedes, in the present Office Action from page 6, line 19 through page 7, line 4, that Rutherglen does not disclose the claimed pushing the file being transferred,

"...from the server through the firewall by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by the server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel."

However, Examiner argues that the Applicant has admitted in the present specification that the above claimed combination elements is known in the art. At best, all that Applicant has admitted is that a "push" operation is known. It is clear from the entire tenor, of this Application and the prosecution of the Application that the brief statement on page 29, lines 16-17 describing Fig. 9 as to the "push" expedient being known was not intended to admit that it was known to use such a "push" expedient in the operation of the present invention to transfer a file from the server through the firewall by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by the server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the

file from the server through the firewall over a virtual channel.

In the absence of prior art references, Examiners are permitted to use Applicants own admissions. However, Examiner must show where such admissions are clearly set forth. In the present Application, Applicant only intended to state that push expedients in general are known and nothing more.

In view of the absence of an admission by the Applicant as to the prior art, it is submitted that claims 1-2, 4-12, and 14-22 are patentable under 35 U.S.C. 103(a) over Rutherglen et al.

The Rejection of Claims 3 and 13 under 35 U.S.C. 103(a) over Rutherglen et al. in view of Applicant's Admitted Prior Art (AAPA), further in view of the "Java Applet Signing Guide" to Wilson is Respectfully Traversed

Claim 3 and claim 13, which respectively depend from claims 1 and 11, are submitted to be patentable for all of the reasons for the patentability of claims 1 and 11 as set forth hereinabove. In addition, claims 3 and 13 include the element that the applet is signed. The cited "Java Applet Signing Guide" does set forth that applets may be signed. Applicant will concede that signed applets are known. However, Applicant will maintain that dependent claims 3 and 13 are patentable for all of the reasons set forth for the patentability of independent claims 1 and 11.

No Admission

Applicants' decision not to argue some of the dependent claims separately is not an admission that the subject matter of these claims is taught by the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and Examiner is respectfully requested to reconsider the rejection, and allow this Application.

To discuss any matter pertaining to the present Application, Examiner is invited to call the undersigned attorney at (650) 947-0700.

Respectfully submitted

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